

REMARKS

A. Background and Response to Objection to Allowable Claims 4-19

The present application, Serial No. 09/737,392, was filed on December 15, 2000. Claims 25-36 of the application have been allowed. Claims 4-19 have been objected to as being allowable, but dependent on a rejected base claim. Claims 1-3, 20-24, and 37-41 were rejected under 35 USC § 103(a). In this amendment, the subject matter of claim 1 has been explicitly inserted into allowable claims 4, 18, and 19, such that claims 4-19 should no longer be objected to. Furthermore, claim 37 has been amended to include the language “wherein said hub comprises a two-part member” from allowable claim 4.

Finally, claim 1 has been cancelled and new claims 42-44 have been added to more fully articulate the unique nature of the invention. The new claims are fully supported by the existing specification and drawings. No new matter has been added.

B. New Claims 42-44

Claims 1-3 were rejected under 35 USC § 103(a) as being unpatentable over Vaughn, U.S. Patent No. 5,062,629; claims 21-24 and 37-41 were rejected under 35 USC § 103(a) citing Vaughn in view of Brown, U.S. Patent No 3,427,019.

The Vaughn patent is drawn to a surfing simulator that must be partially disassembled in order to change the amount of tilt that is available to a user. Furthermore, in order to change such tilt, the old springs must be removed and new springs must be inserted, after which the Vaughn device must be reassembled into a working device. This method is time consuming and requires tools to disassemble and reassemble the device, as well as different sets of springs. Vaughn’s method of changing the amount of tilt thus comprises disassembly, replacement, then reassembly.

In contrast, the present invention relates to a dynamic exercise platform. In the present invention, moving a handle of the tilt adjusting mechanism allows the user to adjust the tilt of the balance board without disassembly, replacement, or reassembly. In fact, in the present invention, the adjustment can be made in a matter of seconds, thus allowing the user to go from one setting to another quickly and easily, making for an effective workout without the tedious difficulties associated with changing the tilt in the Vaughn device.

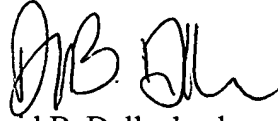
The Brown patent is drawn to a child's amusement device on which a child can bounce up and down above a floor or ground surface. Nothing in the Brown reference indicates that the device is adjustable.

Nothing in the cited art teaches or fairly suggests new claims 42-44, particularly as now amended. New claim 42 of the present application positively recites "said hub being adjustable while the platform is in an assembled configuration, such that said hub is conveniently adjustable by a user;" new claim 43 recites "wherein said hub comprises a rotatable tilt adjuster that is selectively rotated in order to adjust the amount to which said board is able to tilt toward said base;" and new claim 44 recites "said hub having a handle configured to be grasped by a user and selectively moved such that movement of said handle adjusts said hub." Thus, as mentioned above, nothing in the cited art teaches or fairly suggests these claims, particularly as now amended.

Wherefore, the present application is subject to allowance and immediate allowance is respectfully requested. Should the examiner have any questions or concerns, the examiner is invited to contact the undersigned directly at (801) 321-8826.

Dated this 7th day of February, 2003.

Respectfully submitted,



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